

## **Part 6 Tow Truck Provisions**

### **72-9-601 Tow truck motor carrier requirements -- Authorized towing certificates.**

- (1) In addition to the requirements of this chapter, a tow truck motor carrier shall:
  - (a) ensure that all the motor carrier's tow truck drivers are properly:
    - (i) trained to operate tow truck equipment;
    - (ii) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and
    - (iii) complying with the requirements under Sections 41-6a-1406 and 72-9-603; and
  - (b) obtain and display a current authorized towing certificate for the tow truck motor carrier, and each tow truck and driver, as required under Section 72-9-602.
- (2) A tow truck motor carrier may only perform a towing service described in Section 41-6a-1406, 41-6a-1407, or 72-9-603, with a tow truck and driver that has a current authorized towing certificate under this part.

Amended by Chapter 2, 2005 General Session

### **72-9-602 Towing inspections, investigations, and certification -- Equipment requirements -- Consumer information.**

- (1)
  - (a) The department shall inspect, investigate, and certify tow truck motor carriers, tow trucks, and tow truck drivers to ensure compliance with this chapter and compliance with Sections 41-6a-1406 and 41-6a-1407.
  - (b) The inspection, investigation, and certification shall be conducted prior to any tow truck operation and at least every two years thereafter.
  - (c)
    - (i) The department shall issue an authorized towing certificate for each tow truck motor carrier, tow truck, and driver that complies with this part.
    - (ii) The certificate shall expire two years from the month of issuance.
  - (d) The department may charge a biennial fee established under Section 63J-1-504 to cover the cost of the inspection, investigation, and certification required under this part.
- (2) The department shall make consumer protection information available to the public that may use a tow truck motor carrier.

Amended by Chapter 183, 2009 General Session

### **72-9-603 Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification.**

- (1) Except for a tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, after performing a tow truck service that is being done without the vehicle, vessel, or outboard motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:
  - (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard motor:
    - (i) send a report of the removal to the Motor Vehicle Division that complies with the requirements of Subsection 41-6a-1406(4)(b); and

- (ii) contact the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency of the:
  - (A) location of the vehicle, vessel, or outboard motor;
  - (B) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
  - (C) reasons for the removal of the vehicle, vessel, or outboard motor;
  - (D) person who requested the removal of the vehicle, vessel, or outboard motor; and
  - (E) vehicle, vessel, or outboard motor's description, including its identification number and license number or other identification number issued by a state agency;
- (b) within two business days of performing the tow truck service under Subsection (1)(a), send a certified letter to the last-known address of each party described in Subsection 41-6a-1406(5)
  - (a) with an interest in the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the current address, notifying the party of the:
    - (i) location of the vehicle, vessel, or outboard motor;
    - (ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
    - (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
    - (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
    - (v) a description, including its identification number and license number or other identification number issued by a state agency; and
    - (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
  - (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (7)(e).
- (2)
  - (a) Until the tow truck operator or tow truck motor carrier reports the removal as required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:
    - (i) collect any fee associated with the removal; or
    - (ii) begin charging storage fees.
  - (b)
    - (i) Except as provided in Subsection (2)(c), a tow truck operator or tow truck motor carrier may not perform a tow truck service without the vehicle, vessel, or outboard motor owner's or a lien holder's knowledge at either of the following locations without signage that meets the requirements of Subsection (2)(b)(ii):
      - (A) a mobile home park as defined in Section 57-16-3; or
      - (B) a multifamily dwelling of more than eight units.
    - (ii) Signage under Subsection (2)(b)(i) shall display:
      - (A) where parking is subject to towing; and
      - (B)
        - (I) the Internet website address that provides access to towing database information in accordance with Section 41-6a-1406; or
        - (II) one of the following:
          - (Aa) the name and phone number of the tow truck operator or tow truck motor carrier that performs a tow truck service for the locations listed under Subsection (2)(b)(i); or
          - (Bb) the name of the mobile home park or multifamily dwelling and the phone number of the mobile home park or multifamily dwelling manager or management office that authorized the vehicle, vessel, or outboard motor to be towed.
  - (c) Signage is not required under Subsection (2)(b) for parking in a location:
    - (i) that is prohibited by law; or

- (ii) if it is reasonably apparent that the location is not open to parking.
- (d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on parking.
- (3) The party described in Subsection 41-6a-1406(5)(a) with an interest in a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:
  - (a) the tow truck service and storage fees set in accordance with Subsection (7); and
  - (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- (4) The fees under Subsection (3) are a possessory lien on the vehicle, non-life essential items that are owned by the owner of the vehicle and securely stored by the tow truck operator, vessel, or outboard motor until paid.
- (5) A person may not request a transfer of title to an abandoned vehicle until at least 30 days after notice has been sent under Subsection (1)(b).
- (6)
  - (a) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for tow truck service and storage of a vehicle in accordance with rules established under Subsection (7).
  - (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall:
  - (a) subject to the restriction in Subsection (8), set maximum rates that:
    - (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:
      - (A) a peace officer dispatch call;
      - (B) a motor vehicle division call; and
      - (C) any other call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
    - (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor stored as a result of one of the conditions listed under Subsection (7)(a)(i);
  - (b) establish authorized towing certification requirements, not in conflict with federal law, related to incident safety, clean-up, and hazardous material handling;
  - (c) specify the form and content of the posting and disclosure of fees and rates charged and acceptable forms of payment by a tow truck motor carrier or impound yard;
  - (d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the removal as required under Subsection (1)(a)(i) and providing notice of the removal to each party described in Subsection 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard motor as required in Subsection (1)(b); and
  - (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains specific information regarding:
    - (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;
    - (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
    - (iii) identifies the maximum rates that an impound yard may charge for the storage of vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal.

- (8) An impound yard may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if:
- (a) the vehicle, vessel, or outboard motor is being held as evidence; and
  - (b) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection 41-6a-1406(5)(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- (9) In addition to the maximum rates established under Subsection (7) and when receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an impound yard may charge a credit card processing fee in an amount equal to the lesser of:
- (a) the actual cost of processing the credit card transaction; or
  - (b) 3% of the transaction total.

Amended by Chapter 103, 2016 General Session

Amended by Chapter 148, 2016 General Session

### **72-9-604 Regulatory powers of local authorities -- Tow trucks.**

- (1)
- (a) Except as provided in Subsection (1)(b), a county or municipal legislative or governing body may enact or enforce any ordinance, regulation, or rule pertaining to a tow truck or tow truck motor carrier that does not conflict with this part.
  - (b) A county or municipal legislative governing body may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:
    - (i) is holding the vehicle, vessel, or outboard motor as evidence; and
    - (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- (2) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.
- (3) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:
- (a) no fee is charged for the inspection; and
  - (b) the inspection complies with federal motor carrier safety regulations.
- (4) A tow truck shall be subject to only one annual safety inspection under Subsection (3). A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.

Amended by Chapter 249, 2014 General Session

### **72-9-605 Exception from part.**

This part does not apply to a person who is towing a vehicle owned by that person in a noncommercial operation.

Renumbered and Amended by Chapter 270, 1998 General Session